

E-FILED ON 10/10/06

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

No. CR05-00812 RMW (HRL)

Plaintiff,

v.

**ORDER RE PARTIES' PROPOSED
AMENDED STIPULATED INTERIM
PROTECTIVE ORDERS**

SUIBIN ZHANG,

Defendant.

On September 18, 2006, this court heard defendant's request for reconsideration as to the protective order entered on September 5, 2006. That request concerned this court's modification to one provision of the parties' original stipulated protective order which addressed the disclosure of confidential materials to potential experts who are current or former employees or contractors of Marvell, Broadcom or Netgear (or their competitors). This court granted the motion for reconsideration and directed the parties to meet-and-confer and submit a new proposed protective order, or failing agreement, to submit their preferred versions to this court for consideration. The parties were unable to stipulate to an amended order, and each side has submitted its proposed order and briefed its respective position.

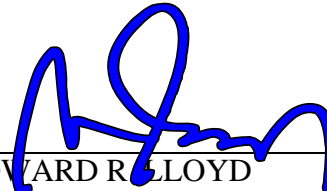
Upon consideration of the proposed orders, it seems that the parties agreed on the general procedure to be followed as to the sole issue in question, i.e., the disclosure of confidential materials to certain proposed experts. Unfortunately, it also appears that the

1 government took the opportunity to engineer changes to other provisions of the protective order
2 that were previously stipulated by both parties and which were otherwise not in dispute.
3 Among other things, the government now objects to language it previously agreed to in
4 paragraph 4 of the defense's proposed order which states, "Neither the United States nor the
5 defendant will disclose any document or the contents of any document described in this
6 paragraph to any third party, including Marvell, Broadcom or Netgear and their
7 representatives."

8 The defense is understandably piqued by this turn of events; and indeed, this court is
9 unimpressed by the government's attempt to renegotiate its prior agreement on several terms,
10 thereby creating controversy where there was none. Nevertheless, it has made one modification
11 to the above-referenced sentence of paragraph 4, such that the parties will be prohibited from
12 disclosing documents to an affected third party unless the court orders otherwise.

13 Accordingly, this court will concurrently enter defendant's proposed amended protective
14 order with the one referenced modification.

15 Dated: October 10, 2006

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17 _____
18 HOWARD R. LOYD
19 UNITED STATES MAGISTRATE JUDGE
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5:05-cr-812-1 Notice will be electronically mailed to:

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